THE DEPUTY CHAIRMAN: The House is adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at forty-eight minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock , THE VICE-CHAIRMAN rajano. in the .Chair.

SHORT DURATION DISCUSSION

Redent verdict of sWiss supreme court relating to Bofors—Contd.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): We will take up the short-duration discussion regarding the recent verdict of the Swiss Supreme Court re-lating to Bofors. Mr. Madan Bhatia to continue. One minute, Mr. Madan Bhatia. The Deputy Chairman has already announced it. Hon. Members, I would like to remind you that the time... *(Interruptions).*

SHRI H. HANUMANTHAPPA (Karnataka); Twenty-eight minutes left.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No. There is no time left. we have taken excess time. So I request all the Members who are going to speak to cooperate and speak briefly. Mr. Bhatia.

.SHRI MADAN BHATIA (Nominated) ; Madam Vice-Chairman, yesterday, I had dealt with one aspect on the ba&is of which the whole case was sought to be built up by the opposition against Mr. Quattrocchi that he had filed the appeal. I had dealt with the aspect as to what led him to file the appeal But it may be said "Well, he may have been justified in filing the appeal. But the appeal has been dismissed" I would ask only one question of the hon. Members on this side. Have they gone through his grounds of appeal of the judgement by which his appeal has been dismissed? I want to draw the attention of this hon. House just to two paragraph from the judgement of the Federal Court of Switzerland as to what this Court has held on merits about Mr. Quattrocchi. At page 14 of the judgement, it is said:

"The request shows clearly its purpose."

It refers to the request which had been made by the Indian Government through the CBI for mutual aid. "It emnates from the FIR that Bofors did have recourse to intermediary agents despite the manifest opposition manifested by the Indian Government. Considerable sums have been paid to the firms entrusted with the task of representing the firms in India." This judgment is based upon the material which was pro' diuced by the Government of India and the CBI before the courts in Switzerland. What was the material? The FTR and nothing else and the FIR lis referred to in this judgment and the judgment says that "according to this FIR, it is the case of Government that there were intermediary agents and the money was paid into the accounts Of these intermediary agents and some other people, into their accounts in Switzerland." But what "s their finding? *(Interruptions)* I will just read one line. "The appellant seems certainly to be un-connected with the litigious contract." This is the finding given by the Federal Court of Switzerland while dismissing his appeal that so far as Quattrocchi is concerned, on merits, he is not concerned with this oontract at all. Despite thi$_s$ finding, I am sure, this judgment must have been available to one Member, who has evinced his relationship with Hindujas but deliberately, knowingly, for sinister reasons and for political motives, he has suppressed a reference to this Particular judgment. Why was his appeal dismissed? His appeal

[Shri Madan Bhatia] was dismissed only on one ground, that is, if you say that your accounts are not relevant, it is not for the Fed eral Court to decide this quesion. It is for the examining magistrate be fore whom all the documents will be produced by the ban!, through the police authority, before whom you have to go and say, so far as I am concerned, these doluments have no relevance whatsoever to Bofors". We cannot go into this question. This question has *to* be gone into by the examining magistrate before whom the request of the Government of India is pending and this was the ultimate paragraph and I quote; "This being the question of knowing as to which document can be useful to the appellant authority"—that means the Gov-ernmen of India"—"and which cannot be sent or which concerns only the litigious Payment or that their sending to the appellate State might bear damage to the secret domain in a dis-proportionate manner, has to be determined in the first place, by the examining judge when he has in hand the totality of the bank documents after having given in case off a plea *to* the appellant the occasion to resolve this matter. . . *(Interruptions)*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATAKAJAN): You will have to conclude.

SHRI MADAN BHATIA: This judgment has been completely blacked out by one Member and so far as the other speakers from that Side are concerned, they, I respectfully submit, are totally ignorant of this judgment. For obvious political reasons, they have been attacking this Government, they have been attaching the CBI 'for having not taken any action against Quattrocchi. Could the CBI ever take any action against Quattrocchi in the teeth of this judgment of "the Federal Court? That Member made a public speech either in some seminar or before some organisation saying that a particular CBI officer should be lashed in public for having not taken any action against Quattrochhi. This is the language to which he stood in public against an officer of the CBI after suppressing the entire material not only from this House but from the entire country. What is the track record of that gentleman? I can give only one example and I will si down. In 1978, when Shrimati Indira Gandni was facing a privilege motion on the charge that she had harassed four officers day in and day out... He was announcing and decla- , ring through the press, "Mrs. Gandhi is guilty and her place is in jail." Despie his repeated announcement, made almost every day, he had shamelssly sat upon the privilege motion as a judfe. Mrs. Gandhi protested. Mrs. Gandhi wrote a letter to the Privileges Committee and said, "How can I expect justice from this Committee whose member has already public declared that I am guilty." But what wag the response of that gentleman? He said,\ "Mr?, Gandhi has committeed another breach of privilege by throwing aspersions on the members of the Privileges Committee. So, she is twice guilty." That is why M!rs. Gandhi was being led to say—I will sit down after saying only this much, Madam—< on the eve of her imprisonment and expulsion that the proceedings of the Privileges Committee in which he was the star of honour reminded her of the "Star Chamber"' and Alice in^ Wonderland scene and she quoted Alice in Wonderland. The scene in Alice in Wonderland is, "When-all the cards rise up in the air and shout off with her head." That is the approach of that gentleman who is not here *in the House. That has been* his approach throughout in the last 15 years so far as the Congress leaders are concerned.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJANV: Please conclude.

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SHR], MADAN BHATIA: He had the temerity to say that he will not declare any person guilty unless he is proved as such by the court of law.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I will call the next peaker now.

SHRI MADAN 3HATIA: Is he Supreme Court? Is he High Court? That is all, Madam.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Gopalsamy. Please be brief.

SHRI V. GOPALSAMY: Thank "ou very much. Madam.

3HRI G. *G.* SWELL (Meghalaya): think we should also have the time. (*Interruptions)* ... I am on a point of order.

SHRT V. GOPALSAMY: In the forties this sub-continent witnessed . . . *(Interruptions,) , . .*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Jus a minute. He is raising a point order.

SHRI G. G SWELL: I am the only speaker from my group, the United Parliament Group.

SHRI VISHVJIT P. SINGH (Maharashtra) : You have got seven minutes.

SHRIG. G. SWELL: I know that. We are taking more time than allotted. I am afraid you might reduce . my time further. So, I think, you will give me just that seven minutes.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Actually, Mr. Gopalsamy's party has not taken any time. He is the only speaker from the DMK. I will call you, Mr. Swell.

SHRI V. GOPALSAMY: Madam, so far as the other speakers who participated in the debate are concerned —I don't criticise them—they have taken more time than what they are allotted. So, hoping that I will get the same justice I am starting my speech. The "Forties witnessed the struggle and sacrifice for freedom and independence. The 'fifties witnessed the message of Panchsheel and the message of Five Year Plans. In the 'sixties this sub-continent witnessed the betrayal of China and our victorious war with Pakistan. The seventies started with the emergence of Bangladesh and the onslaught against democracy by the declaration of emergency. Burt, Madam, it is un-forunate that the 'eighties witnessed the most despicable, shameful, nefarious and abominable scandle of Bo-fors Howitzer Gun Deal. Two days ago on the ramparts of Red Fort our hon. Prime Minister hoisted the flag which was hoisted on 15th August, 1947, by Pandit Nehru. The year 1947 went into the annals of history as a red-lettered year of India. I say with all sincerity, that the year 1987 went into the annals of history of India as the black-lettered year because of this scandal. When it earns like a thunderbolt from the blue with the Swedish National. Broadcasting Corporation levelling charges against the ruling party high-ups that he commission money had been de-sited in the Swiss banks, hon. the then Prime Minister spontaneously rushed to the House and said. "No question of commission money and there is no middleman." It was announced by the Swedish Radio on 16th April I9P7 and the Prime Minister made this statement on 20th April, 1837.

The very next day, i.e. the 21st April, 1987 Mr. Arun Nehru who was in charge of the Defence port folio made a very impressive speech. In the concluding remarks ne said, "We are not guilty. If we are found guilty you hang us by the nearest lamp post. Thp same Mr. Arun Nehru in the next year on 11th May, 1988 on the floor of the House, when he participated in the Bofors debate in his

[Shri V. Gopalsamy]

capacity as a Member of the Congress Party, not as a mfember of the Council of Ministers, stated. "Bofors has committed a breach of flies, has committed a fraud against the people of India. It should b$_e$ black listed." Now, people are saying that the Federal Court of Switzerland has opened th$_e$ door to find out the truth. Yes, kudos is given. But at the same time I would like to mention that efforts were made to scuttle, to put hurdles in the process of investigation in the High Court of Delhi. I must say with all pride that still we belong to this tallest democracy. We could walk in any comer in any street of the world and say that in this country judicial honour is well protected. The Sup^ reme Court of India, the apex Court of India in its finest judgement on 17th December, 1992, a judgement by Justice Ratnavel Pandian, said;

> *"We,* therefore, are of the firm view that the self-contradictory finding of the Hign *Court* itself gives a frontal attack to the impugned judgement, rendering, it unsustanable both in law and fact. To put it ironically, the impugned judgement 'profusely bleeds due to its self-inflicted injury"..." The final paragraph says:
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> "Before we part with this case, we-have to observe that any views expressed or observations made by this apex Court should be borne in mind and given effect to. Pn the instant case, in spite of the finding of 'this Court in *Janata Dal'* the Sigh Court has grossly erred in quashing the FIR the same has resulted in a glaring injustice, namely, that the investigation into grave and serious crime has got scotched and all the efforts so far taken by the investigating agency in digging out the requisite evidence got buried. Therefore, we find it imperative to quash the impugned judgement of the High Court-

Therefore, Madam, the Federal Court of Switzerland upheld the charges of corruption, forgery, embezzlement. It also rejected outright the appeals, of those persons who tried to block the assistance, who tried to block the information which was about to flow to this country to rfveal the identity of those persons who were the real beneficiaries or the identity of those persons who acted as henchmen for the real beneficiaries. Who are those appellants? These are Mr. Ottavio Quattrocchi, Mr. Gopi Chand Hinduja, Mr. Sri Chand Hinduja, Mr. Prakash Hinduja. Mr. Win Chadha. One official Of Switzerland has also stated that Jublee Finance and Swenska Panama have also tried to block the assistance. These are the seven appellants. Now I come to the main point. My friend, Mr. Madan Bhatia, was saying that what the CBI was doing was correct. He has got his own right tc criticise anybody. But I want to put it on record that one particular official of the CBI hag given $_a$ statement that there was no necessity to interrogate Mr. Quattrocchi Mr. Quat-trocehi is a foreign national. He come from Cicely. Cicely is very famods or ontorious for mafia dons who act like godfathers and some people have become mafia dons or godfathers and they act like henchman or godfathers. There may be political godfathers or American godfathers, but Mr. Quatinocchi...

THE VICE-CHAIRMAN (SHRI MATI JAYANTHI NATARAJAN): Please conclude.

SHRI V. GOPALSAMY: Madam, I crave your indulgence.

I have been sitting here all these just to participate in this debate. So, I crave your indulgence. I won't cast aspersions on anybody or attribute any motives... (Interruptions) tions)...

THE VTCE-CHuftjpiMiAN (SHRIMATI JAYANTHI NATARAJAN);

It has nothing to do with this, Mr. Gopalsamy. Your time is over now. That is all.

SHRI V. GOPALSAMY; Just now I have started my speech... *(Interruptions)* ...

THE VlCE-CHAIRMAN (SHRIMATI JAYANTHI NATARA J AN): Then conclude within a minute.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL. PUBLIC GRIEVANCES AND PEN SIONS WITH ADDITIONAL CHAR GE OF THE MINISTER OF TATE IN THE MINISTRY OF ARLIAMENTARY AFFAIRS (SHRIMATI MARGARF.T ALVA): You can give him five minutes more . . . *(Interruptions)* . ..

SHRI V. GOPALSAMY; 1 am so lucky, Madam, ihat even Mrs. Margaret Alya is s*o* graciously saying sat I should bo given five minutes. So you can add those five minutes and \/\/*i* minutes can be given to me . . . *(Interruptions)* . . .

SHRI *G.* G. SWELL: I would like la suggest that if Mr, Gopalsamy makes a coherent speech, you can give him a little more than

SHRI V. GOPALSAMY; 1 was saying that he was a foreign national id he is the President of a multi-■ationaj here, Snamprogetii. and he hes been very lucky to get many lucrative million-dollar projects m this country and he has become a very very important: person in certain circles. He should have been interrogated under section 161 of the Cr. PC. What is wrong in it? And, Madam, his passport should have been impounded and the emigration officials should have been alerted and this man should not have been allowed to flee this country because among those seven persons he was the only person residing in this country at that time. Mt\ Win

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Chadha has already fled this country . . , *(Interruptions)* .. .

MISS SAROJ KHAPARDE: (Maharashtra): Madam, the judgement itself says that he is not involved...

. *(Interruptions)*..,,.

SHRI V. GOPALSAMY: Madam, Mr. Madam Bhatia has expressed his view from his party. Whether it is right or wrong, this is my point of view and whether *it* is right or wrong, I have a right to say and I am entitled to my view. Kindly bear with motend kindly listen to me.

Now, Madam, Mr. Win Chadha was allowed to flee this country. After these names were revealed, he was the only one present here in this country. His account is called 'Tulips' Jubilee Finance is connected with the Hindujas. I would like to know whether the funds which flowed into the account of Panama were diverted again to this account. This is a very important and crucial question. I would like to know whether the CBI has taken steps to find out this thing.

They say that it does not reveal any linkage with the crime, with this economic crime. But the Swiss authorities have very clearly stated, "We would not have named the people had there been no linkage to the case." This i$_s$ the statement of Mr. Piere Schmidt. Therefore, Mr. Quottrochhi preferred an appeal before them. You might well remember. Madam, that in this House, when we debated this in 1988 and again when Chitra Subramaniam was giving information after information to "The Hindu" which was published, ,1 quoted—and I still remember that—on the floor of this very House from the diary of Mr. Martin Ardbo which had been seized by the Chief Prosecutor's Office in Sweden, wherein he says, "We need

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not worry when 'Q' is there, but 'G' must be protected at any cost. 'Q's involvement was not a problem be-cause of his closeness to all." It is a mystery, who is behind this '.R', who is behind this 'G'. So, this should be found out. This is from the diary of Mr Martin Ardbo of the Nobel Industries.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN^: Now you have to conclude... *(Interruptions)* ...

&KH1 V. GOPALSAMY: Madam, it is being said that it is a discourtesy to criticise a dead soul, I agree.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN!': You have to conclude now.

SHRI_ V. GOPALSAMY: But about what happened in history, it is our duty to clear any wrong impression about that. That is also very important and pertiWent... *(Interruptions)*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please conclude, Mr. Gopalsamy.

SHRI V. GOPALSAMY: Because the names have come under a cloud, I would say... *(Interruptions)*...

THE VICE-CHAIRMAN *(SHRI* MATI JAYANTHI NATARAJAN). You make your concluding remarks. Otherwise, I will have to call the next speaker.

SHRI V. GOPALSAMY; The National Broadcasting Corporation of Sweden exploded the news to India. ..*(Interruptions,)* ... The Government was shocked. To divert the attention of the people, then the Government went in for an Accord with[1] Sri Lanka on the Tamils problem which has resulted in terrific tragedies and very sad aspects. We are very sorry. At that time, to divert the attention of the people, for that reason only, they went on fo$_r$ the Accord. Therefore, Miidam, now it is very dear who is Mr. Quattrocchi. With whom Mr. Quattrocchi and the Hindujas have got connections all these years, they are now under a cluoud. The whole world knows who were having ijinksi They are ulndert sjuspicion. Therefore, I do not say that some body should be brought and put in ths dock. But what happened to Oliver Cromwell in England? We know; we have read history So, justice should be done because it is now the concern of the people. The people have *been* taken for a ride, the people have been hood-winked, and the people's money has been deposited in the Swiss banks. And the person who has deposited the money, who is the real beneficiary is the number one enemy of this country. He may be an Indian or a non Indian, a nonresident Indian or a resident Indian. We do not know. But. Mr. Quattrocchi and others have acted like front-men. For whom? The Nobel Industries people, the Bofors people are not fools to gives money...

THE VICE-CHAIRMAN (SHRI MATI JAYANTHI NATARAJAN): Shri Suresh Pachouri.

SWRil V. GOPALSAMY: ...to Mr. Quattrocchi. Mr. Quattrocchi could not sign the agreement.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN):

I h«ve called the next speaker.

SHRI V. GOPALSAMY: They are not fools to give money to Mr. Quattrocchi.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): No more, Mr. Gopalsamy. I have called Mr. Pachouri.

SHRI V. GOPALSAMY: They might have given money to Mt. Quattrocchi and others to deposit the money these accounts with a fervent hope that they would get the deed because they have got links with such and such people-

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please sit down, Mr. Gopalsamy.

SHRI V. GOPALSAMY: History is going to judge as to who pocketed the money of the people, as to who were the Indian Marcos because the Marcos money...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): More than this, I would not permit, Mr. Gopalsamy. I have called the next speaker.

SHRI V. GOPALSAMY: It is the deposited money in. the Siwss banks...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please Sit down.

SHRI V. GOPALSAMY: Only one sentence, Madam.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No I have called Mr. Pachouri.

SHRI V. GOPALSAMY: It is only during Mr. V. P. Singh's time, because of him, a case was registered by the CBI.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Don't force me to say that nothing will go on record. Please sit down.

SHRI V. GOPALSAMY: It is because of Mr. V. P. Singh, the accounts were frozen. It is because of Mr. V. P. Singh's efforts, the truth has come to light.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please sit down.

SHRI V. GOPALSAMY; The truth has come to light because of the efforts of the then National Front Government. In the very near future, the real culprits who have swindled the money, who have cheated this country their names will come to light. And the people will judge. ..

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Nothing more, Mr. Gopalsamy.

SHRI V. GOPALSAMY: The whole people of this country will judge as to who have cheated this country because you cannot cheat the people for all times.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Nothing more, Mr. Gopalsamy.

SHRI V. GOPALSAMY: Some people could cheat some people for some time, not for all the time.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Anything more he says will not go on record. Now, Mr. Pachouri.

SHRI V. GOPALSAMY: Thank you very much ifor this latest observation. Madam.

SHRIM. A. BABY (Kerala): Madam, all he has spoken is removed ironi the record?

श्री सुरेश पचौरी : (मध्य प्रदेश) : माननीया उपसभाध्यक्ष महोदया, ... (व्यवधान)

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Nothing has been removed. He did not speak anything later.

श्री सुरेश पचौरी : माननीया उपसभाध्यक्ष महोदया, लम्बे समय से उस सदन में बोफोर्स के बारे में चर्चा होती आई है । अभी हाल ही में बोफोर्स के सिलसिले में जो स्विस कोर्ट का फैसला हुआ है, उसके संदर्भ में हम लोग आज यहां पर चर्चा कर रहे हैं । महोदया, , सब से पहले देखना यह जरूरी है कि किस दौर में क्या क्या कदम उठाए गए । जब कांग्रे सरकार सत्ता में थी तब इस सिलसिले क्या कदम उठाए गए, जब विश्वनाथ प्रताप सिंह जी की सरकार थी तब स संबंध में क्या कार्यवाही की गई, में चन्द्रशेखर जी की सरकार थी तब । थ स्टैप उठाए गए और अभी जो वर्तइस में सपकार है, वह इस सिलसिले में जब ढग से कदम उठाने जा रही है । होक्या, मैं आपको याद दिलाना चाहुंगा किमान अप्रेल, 1987 को जब स्विडिया रेडियो

[श्री सूरेश पचौरी]

ने इस चीज को उजागर कया था, उसके बाद उस समय की कांग्रेस सरकार ने 8-11-1988 को इस केस को 3.00 p.m. रजिस्टर किया था । और नवम्बर, 1988 में इसका इन्वेस्टीगेशन प्रारंभ हुआ । 20 फरवरी, 1989 को उस समय की कांग्रेस की सरकार के साथ मैमो आफ अंडरस्टेंडिंग साइन किया जिसके पीछे तात्पर्य यह था, मकसद यह था कि इस इन्वेस्टीगेशन में पर्याप्त मदद की जा सके और इस इन्वेस्टीगेशन को सुनिश्चित करने के लिए एम.ओ.यू. साइन किया गया था । यह एग्रीमेंट किया स्विस सरकार के साथ भारत सरकार ने कि प्रश्नावली में जिनके नाम हैं उनको एकाउंट देखे जा सकते डि उसके बाद 21-4-87 को स्वीकर गवर्नमेंट की भी इस संबंध में अ कार्यवाही करने के लिए भारत के द्वारा लिखा गया और 30-6-87 को मिनिस्ट्री आफ डिफेंस के लैटर के संदर्भ में यद्यपि एन०बी०बोफोर्स ने इस चीज से इन्कार किया कि इसमें किसी प्रकार की ब्राइब ली गयी है, इस कांट्रेक्ट को लिये जाने में लेकिन उसके बावजूद भी एक ज्वाइंट पार्लियामैंट्री कमेटी को कांस्टीट्यूट किया गया 28-8-87 को और उन्होंने एक अपनी रिपोर्ट भी प्रस्तुत की।

महोदया, एक मीटिंग हुई 15, 16 और 18 सितम्बर, 1987 को और उसमें ए.बी. बोफोर्स ने यह डिसक्लोज किया कि प्रमुख रूप से चार कंपनियां थी । विन चड्डा की एनाट्रानिक्स जनरल कारपोरेशन, नई दिल्ली वाली, दूसरी स्वेन्सका, तीसरी मोरेस्को और चौथी ए.ई. सर्विसेज जिन्होंने इस संबंध में यह जाहिर किया कि इनको इंगेज किया गया था ।

मैं यहां किसी की पैरवी करने के लिए खड़ा नहीं हुआ हूं कि हिंदूजा के बारे में क्या किया जाना चाहिए, कांट्रोची के बारे में क्या किया जाना चाहिए या विन चड्डा के बारे में क्या किया जाना चाहिए बल्कि मैं यह कहना चाहता हूं कि हम इस बात का आंकलन करें कि ये जो चार कंपनियां के नाम आए उनके बारे में क्या-क्या कदम उठाए गए और इनसे जो संबंधित लोग थे उनके बारे में कब-कब, क्या-क्या कदम उठाए गए ।

महोदया, सबसे पहले हिंदूजा की बात आती है तो 1991 में लुक आउट नोटिस हिंदूजा के विरुद्ध निकाले गए वे फरवरी, 1991 में वापस ले लिए गए । उस समय कांग्रेस की सरकार नहीं थी । उस समय राजीव गांधी इस देश के प्रधान मंत्री नहीं थे, लेकिन जो लुक आउट नोटिस राजीव गांधी के दौरे में हिंदूजा के खिलाफ निकाले गए थे वेलुक आउट नोटिस फरवरी, 1991 में वापस ले लिए गए। मैं इस विवाद में नहीं पड़ना चाहता हूं कि समय-समय पर हिंदूजा के यहां जो महत्वपूर्ण पार्टीज का आयोजन हुआ उनमें कौन-कौन राजनैतिक पार्टियों के महत्वपूर्ण नेता शामिल हुए । मैं उस आक्षेप में नहीं जाना चाहता लेकिन यह देखना जरूरी है कि लन्दन में या अलग-अलग जगहों पर कहां-कहां क्या-क्या हुआ और हिंदूजा से किस-किस के कैसे संबंध रहे । संबंध किसी के भी हो सकते हैं लेकिन प्रश्न इस बात का होता है कि उन संबंधों का दुरुपयोग किसने किस ढंग से किया, सदुपयोग किसने किस ढंग से किया और जब कांग्रेस की सरकार थी तो उस समय यह देखा जाए कि क्या हिंदूजा और विन चड्डा के खिलाफ कार्यवाही की गयी (समय की घंटी)

महोदया, इसी प्रकार विन चड्डा के खिलाफ भी केस रजिस्टर होने के बाद लुक आउट नोटिस निकाले गए, वारंट आफ अरेस्ट जारी हुए लेकिन उसने दिल्ली हाईकोर्ट में चुनौती दी और उसके जो ट्रेवल डाक्यूमेंट थे वे स्विस सरकार से पाने की उसने जब कोशिश की तो यह सी०बी०आई० है जिसके ऊपर तरह-तरह के आरोप लगाए जा रहे हैं, जिसने भारतीय दूतावास के जरिए इसका विरोध किया और उसको ट्रेवल डाक्यूमेंट नहीं मिल पाए, और तो और अभी वर्तमान में हमारी जो सरकार है उसने उसको कोई फैक्स पासपोर्ट जारी नहीं किया जिसकी कि 7 अप्रेल, 1993 को अवधि खत्म हो गयी थी । जहां तक कात्रोची का

सवाल है मैं केवल इतना जानना चाहूंगा कि क्या उसका नाम एफ.आई.आर. में है ? क्या सरकार के पास इतना पर्याप्त सबूत है कि उसके खिलाफ कार्यवाही की जा सके ? उसके साथ इन्टरोगेशन किया जा सके, और यदि ऐसे सबूत हैं तो मैं इस सदन में मांग करता हूं कि यदि उसका भी इन्वाल्वमेंट है . . . ।

तो उसके खिलाफ भी कार्यवाही की जानी चाहिए और सरकार यह देखे, क्या जिन लोगों के नाम जाहिर किए जा रहे हैं, उन्होंने किसी भी प्रकार से किकबैक लिया है । क्या इस प्रकार से क्रिमिनेलिटी कुछ सत्यापित होती है इन लोगों के बारे में अपीलकर्ता के रूप में, इन लोगों के खिलाफ यदि कार्यवाही की जा सकती है, तो सरकार के पास क्या आधार है । उस आधार की सरकार व्याख्या करे ।

क्या स्विस कोर्ट निर्णय को सरकार स्क्रूटिनाईज करेगी ?

सरकार बताये कि उसके पास स्विस कोर्ट से संबंधित कौन-कौन से पेपर आ गए हैं ?

(समय की घंटी)

मैं अपनी बात समाप्त करने से पहले पूछना चाहूंगा और जानना चाहूंगा कि जो जजमेंट की कापी मिली है, उसमें सी.बी.आई. के बारे में क्या मत व्यक्त किया गया है, इंडियन प्रेस के बारे में क्या मत व्यक्त किया गया है ?

मैं यह बात भी पूछना चाहूंगा कि सरकार के पास जो बैंक डाक्युमेंट्स हैं, वह कब तक उपलब्ध हो पायेंगे ? जो स्वीडिश अथारिटीज हैं, जो आर्डबी डायरी और संबंधित कागजात हैं, उनको पाने के लिए स्विस सरकार से हम लोगों ने कोई वार्तालाप किया है, या संपर्क किया है या नहीं—सरकार इस मामले में स्पष्ट करे ।

साथ ही आपने स्विस कोर्ट के फैसले बाद स्विस सरकार से संपर्क स्थापित करने के बाद आपने क्या कार्यवाही की है ? इसके साथ ही जो महत्व की बात है कि हम लोग सदन में बाद में चर्चा करते हैं—पेपर में जिन पत्रकार का जिक्र किया जा रहा है **(समय की घंटी)** वह पहले छप जाता है । तो जो इनफर्मेशन लीक हो रहा है, उसके बारे में सरकार क्या विचार करने जा रही है ? क्या स्विस सरकार से उन्होंने कोई पहल की है है ? साथ ही जो सी बी.आई के लीगल एडवाइजर्स हैं, उनका क्वाटरोची के बारे में क्या मत है, मैं सरकार से जानना चाहूंगा ।

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mrs. Sushma Swaraj. Not present. Mir. Mentay Padmanabham. Not present. Mr. Giri Prasad.

SHRI N. GIRI *PRASAD* (Andhra Pradesh): Madam, this Bofors scandal, as everybody is aware, is one of the darkest and shameful episodes in post-independent India. The main problem is, our body politic is suffering from interference of money. Money is now playing a positive role in influencing the people's verdict also. Money could be got only through corruption. Now, how can you separate money power and corruption from politics? Our Parliament is going to debate a Bill that seeks to separate religion from politics. I think we require another Bill to separate money power and corruption from politics. I do not, know whether the ruling party is "prepared to faring forward such a Bill before Parliament. The problem is, though our Parliament and also the people, at large, have been discussing this issue for the last seven or eight years, still, the clouds of suspicion are there. I am not naming anybody. T do not say that this or that person is guilty. That is not my concern. But it is clear that in the Bofors deal, there have been some kickbacks. Certain business people or intermediaries or middlemen have got this money to their accounts. The question is, from there, to the accounts of which politicians or civil servants has this money gone? Unless that is probed by the C.B.I. or some other investigating agency, we will not come to know the truth.

[Shri N. Giri Prasad] Now, after the Swiss Cantonal Court has clearly established...

SHRI G. G. SWELL: Federal *Court.*

SHRI N. *Gim* PRASAD; *I* am talking of the earlier thing. The Swiss Cantonal Court has clearly-established charges of passive corruption, forgery and fraud with* regard to these gentlemen.

And this gentlemen went in appeal to the Switzerland Federal Court. There also their appeals were rejected. Now it was the duty of th$_e$ CBI to investigate at least to examine those people who have gone in appeal, especially the new character called Quattrocchi. I am really surprised, et least one Congress Member was trying to defend Quattrocchi. In what way he is con-nected with him I do not know. And it is not the time. They can defend their leader, that is a different matter, but they have gone to the extent of defending a ejoubtful *erson, called Quattxcchi* who is not in our country. So my suggestion to the House and to the ruling pany is that the themselves have to remove these clouds of suspicion. The way the Solanki episode wis conducted, the way the CBI probe was conduced and also the way sub-equent developments have taken place, many people have come to believe that the ruling party is trying to hide something. So, unless they come out clean, unless they clear up these dou'bts, this debate will continue, or at least after the Government got these reports, get these documents from Switzerland, we may come to know about the truth.

Further I suggest, besides bringing a Bill to separate corruption and money power from politics, trie Government and this House should see whether CBI can also be separated from the political pulls. Now it is under the control of the Government or the Prime Minister. If the CBI wants to proceed in a particular direction, naturally political interest may come in the way. Today your Government may be there, tomorrow there may be some other Government. And there may be a time when the political leaders or the rulirg party will find it difficult to allow CBI to proceed in an objective way. I have read in soma papers that in some countries like ludy the organisation like the OBI has got inde-pendent powers to arrest politicians and also other corrupt people. That is why perhaps about 3500 politicians are in jail there. I think, like the GAG or the Election Commission and some other authorities, this CBI must also be separated andit should be' given constitutional power to enquire into the misdeeds of these politicians in povxur.

SHRI G. G. SWELL (Meghalaya): Madam, I will agree with Mr. Mo-rarka who said yesterday that as compared to the Rs. 5000 crore securities S3m rnd an equal amount in the investment scam of the PSUs, this Bofors scandal is miniscule. The earlier we get it out of our way, the better for us, the better for this House end for this country. I think an officer who is charged with thecluty of sorting out the reported 800 bank documents is already busy with! the job of what, document should be han ded oyer to us. I hope tiiere wili be no obstruction in that.

I would like to go on record at the very beginning to ask the Government to ensure that the documents when they reach your hands, do not go *o foe shredders I am saying this because of the obfuscation *the sup-presMo* veri, *suggestio falsi* the skullduggery climaxed by the action *at* our Foreign Minister, acting as a courier of the letter of a faceless, nameless lawyer, urging the Swiss Government not to proceed, not to go slow on this investigation. This has been the characteristic of the MX-month-old shameful saga in our country, I have *my fear.*

Here in my hands there is a circular letter which one ol those appellants involved — in this case, a

Hinduja — has sent perhaps to all the Member of Parliament, in which he has said, "If CBI even now does n't make the request specific, ,ve shall be compelled to contest in the Chamber of Accusation and finally in the Federal Court and seek justice before anything can be received in India, and this wouljd delay ihe investigation.' A threat is held out. I would like to have an assurance from the Government that they would not go along with the Hindujas. I would like to appeal to them in the name of Rajiv Gandhi himself: He was also my leader whan I wss in your party. I have great admiration for him. He was a man of charm, he was a man of vision, he had a big heart and, I know, i-he had lived, he would have overcome many *nt* his shortcomings$_i$ he would have been able to shed many of his so-called friends and power brokers, he would have come to his own and been e great leader and a great asset of this country. I would like to remind this Government of what he said on thia question. On the 6th August 1987 he came before Parliament and said these words which now have become part of *h'* tory:

> "During the course of discussions on the Bofors case, both inside and outside the House, many allegations have been made, rumours and unfounded suspicions have been use 1 to tarnish the image of the coun try and the leadership. I categors cally declare in this the highest f:rum of India's democracy that neither I nor any members of my family have received any consi-deration in these transactions. That !s the truth."

I think, Madam, the time has come when the party and the Government should exonerate Rajiv Gandhi, should restore the good name of Rajiv Gandhi, should redeem his good name and the best thing for them to do that is to see that these documents come to India and, on the basia of these documents, to prove that all these charges are baseless, in this connection, Madam, I would draw your attention — your atten tion, Mr. Narayanasamy, the attention of the Government — to this Form 'A' in which, for any deposit to be made in a. Swiss bank, the holder has to give his name, the holder has to give an undertaking that he is the beneficiary of the assets deposited or that somebody else is the beneficiary of the assets and that name has to be given and he has to sign. These are the documents you could look for and it will prove beyond doubt who is involved and who ts not involved.

Madam Vice-Chairman, I would like to remind that the Swiss authorities do not act on all kinds of requests for assistance. If it were only a case of tax evasion, if it were only a case of economic offence, they would not entertain it. It is only when criminality ig involved, either bribe or corruption — that is the Swiss law — that they will entertain a request for assistance. We made that request. India made that request. Letters-rogatory were sent from Tn-•:ia requesting the Swiss Government The Swiss Government examined those letters-rogatory and made its own investigation and prima facie they came to conclusion that there was criminality involved in it. That is why they decided to give us assistance. Here is what an of officer of the Swiss Government, the Director of the Federal Justice and T'olice Ministry says, and I quote:

> 'We have decided to release the names since the Federal Court has upheld the letters-rogatory and the charges of corruption in it."

Therefore, there is no other question. The Swiss Federal Court has decide ed that there was corruption, anr* that is why they decided to release the names.

I would like to remind you again, Madam, that under the Swiss law only a beneficiary can appeal, not

[Shri G. G. Swell]

everyone. Only a person who hfcs an account in a Swiss Bank and a person who is a beneficiary of any criminal action like corruption ran make an appeal under the Swiss law. These seven persons, Ouayio Quatt-rocchi, Gopichand Hinduja, Srichand Hinduja, Prakash Hinduja, Win Chadha, jubilee Finance and Svenska are the appellants.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATABAJAN): Please make our concluding remarks.

SHRI G. G. SWELL; They are 'he appellants, and they went in appeal because they are the beneficiaries. Therefore, let us get these documents. The question will not end with arrival of the documents in India. It will only tell us who the people are who are involved, and then it will be for the Government of India to proceed further on this.

(Madam. I will conclude, I will obey what you say.

It is all right for the Hindujas. They are NRIs. They are businessmen. It is all right for Win Chadha. He was a commission agent. Anybody can be a commission agent for any compan" There is nothing wrong, nothing illegal in it.

But my question is: what has this foreigner, Ottavio Quattrocchi got to do with it? Why is he an appellant? How is he a beneficiary because Swiss law says that one cannot appeal unless one is a beneficiary? How is he, a rank foreigner, a beneficiary in the Bofors case? This is whatt I want to know. Is he doing it for himself? We have to find out what it is-

Last point,. Madam, i think, of all these seven persons, Win Chadha is the person to whom the greatest injustice has been done. He is now in Dubai. I think, it will help our Government, it will help us to clear our name if we bring Win Chadha to India and make him an approver because Bofors, they have done some injustice to Win Chadh$_a$. According to tiie original agreement, Win Chadha was to get 3.2 per cent of the total cost ot the Bofors guns. The contract itor the Bofors guns, if you remember, was signed in March, 1986. There was nobody else in the picture except Win Chadha and Bo-ior$_s$ at that time. But in November, 1985 somebody in the name of AE Services came forward and made a piomise, "If you enter into an agreement with us and give us 2.24 per cent and give only 0.96 per cent to Win Chadha, you will get this contract, and you will get this contract by March." Tnerefore, I would urge upon thK Government that if they f.re serious about finding the whole truth and nothing but the truth, put everything behind it. I say it again in the context of the securities scam of Rs. 5,000 crores, in the context of the scam on investment to a similar amount, we ar^ making too much of Bofors. It should be out of the way. We should come out clean. Therefore, bring Win Chadha to India and make him approver and let him tell us the truth. Let us find out the truth and act as a strong and courageous nation, restore the good name of this country. Are we not ashamed that a foreign court, a foreign nation will help us to unravel the misdeeds, which some people in this country did and we ourselves cannot do it? Therefore, let us wake up and for whatever we have done let us restore the good name of the country; let Us even restore the good name of Rajiv Gandhi. Let us regain our self-respect and put these things behind us.

SHRI JAGMOHAN (Nominated): How much time do you give me, Madam?

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Twenty minutes excess time has already been taJcen. So, complete within five minutes.

SHRI JAGMOHAN: I will confine myself to the time that is given. D

have no intention of repeating the points which have already been made. iMor do I want to dwell upon individuals or suspects or statements that have been made on their behalf even by themselves or through somebody else.

The point that 1 want to make ii that what has happened shows the degeneration of the Indian public life of which Bofors is only an event. This degeneration in the Indian public life is evident from the fact that at present the amount of blackmoney that is available due to corruption and tax evasions and all those things is about 500 times what it was in 1060-61 in spite of all the CBI and all the Revenue Intelligence that we have got. The latest study made by the Planning Commission shows that Rs. 4,00,000 crores of black money is Boating in. this country and everyday it is increasing. So, it is this aspect which we should look into, what we call the primary corruption. Who is indulging in this primary corruption? These are the so-called power elites of this country. It is a phenomenon well recognised that the power elites of the third world are in some sort of collaboration t>f conspiracy with the rich nations. And the amount which is really taken is a stolen property. It is taken and deposited in the banks of the richer countries. Previously the amount was taken by military domination, Exploitation took place by force. Now it is done by manipulation. If you look at it in depth, you will find that the poor man's or poor country's money is taken and put into the Swiss banks and is used for the development of those countries rather than for the development of the poor countries. So, we should understand this nexus between the power elite and the third world and what is the system in the international level.

Recently there was some talk, two or three years ago. about the rescheduling of the debts of the third world countries. The observation made by a scholar in the United States was: "Why do you want to •blame the rich countries. If you just take away all the money which is deposited in the foreign banks illegally by the power elites of the third world, you can wipe out all your foreign debts." So, there is no need. It is only you have to set your own house in order." My point is that this House should pass a resolution and urge upon the international community to stop this system of deposits of the third world money into the Swiss banks or in the foreign banks, whoever gives such facilities. This secrecy should be elminiated. It is very we]' known that all the money that goes is really an illegal money, a stolen property. One steals and the other keeps the stolen property. This nexus must be broken.

We talk of human rights the world oyer. We want that a new ethic should develop at the international level. This ethic must also develop because, after all, it is the poor persons' money that is taken away and the right !o eliminate poverty is affected by this process.

I am, in all earnestness, suggesting certain preventive measures. I request that they may be taken into consideration. Whatever has happened has happened. We will look into that in due course. What is required now is this type of resolution. We have to tell the international community. They come and tell us how we should preserve our human rights. We can also tell them that they should facilitate the observance of human rights. You should tackle the problem at the roots.

The second suggestion which I have to make is this. It was also made by the Police Commission. It is very easy to blame the officers. It is very easy. They are the scapegoats. They cannot speak and they have to obey orders a* they come, whether they come informally or formally. In the actual practice, it is there. I think the CBI should be made, as suggested by the Planning

[Shri Jagmohan] Commission, some sort of an independent statutory body and it should be insulated from the day-to-day pressure from the Government.

The third point which 1 would like to make is this. Usually kickbacks take place because of the defence purchases that haye to be made. Some times, they have to *be* made in a hurry. The Government had constituted a Committee under the chairmanship of Mr. Aran Singh. That Committee made some recommendations suggesting the procedure to be followed for purchase *of equipment so that kickbacks* and such other things could be eliminated. I would request the Government to consider these recommendations and also to tak$_e$ the House into confidence in regard to thes$_e$ recommendations which are not of confidential nature. Then, at least set the proper procedure for the future.

Thank you, Madamr

श्रीमती सुषमा स्वराज (हरियाणा) : महोदया, मुझे मालूम है कि मेरी पार्टी के लोग इस डिस्कशन पर अपने विचार व्यक्त कर चुके हैं केवल एक प्रश्न की मैंने अनुमति चाही थी सभापति जी से और वह अनुमति भी आपने दी उसी अनुमति के तहत मैं अपना एक सावल रखने के लिए खड़ी हुई हूं ।

उपसभाध्यक्ष महोदया, मेरा प्रश्न मंत्री महोदया जी जवाब देने वाली हैं, उनसे यह है कि पहली बार स्विस कोर्ट ने इस बात की बेझिझक स्वीकार किया कि बोफोर्स की दलाली का मसला राजनीति से प्रेरित मसला नहीं है बल्कि स्पष्ट तौर पर यह भ्रष्टाचार, गबन, और जालसाजी का मसला है । केवल उन्हीं शब्दों को मैंने दोहराया । उन्होंने कहा है--

"This is not a politically motivated matter but a clear case of corruption, embezzlement and tor-aery."

जब यह निर्णय आया तो इसके एक दिन के बाद सिस अधिकारियों ने कुछ नामों की सूची जारी की जिसमें एक नाम ओदाविथो क्वात्रोची का भी था । जिस दिन यह नाम आया उसी दिन हमको लगा कि इस बोफोर्स तोप दलाली में जिस राजनीतिक व्यक्ति की खोज की जा रही है वह आज पूरी हो गई है क्योंकि राजीव जी ने अपने वक्तव्य में दो बातें कहीं थीं । एक तो यह कि बोफोर्स दलाली में किसी भारतीय ने पैसा नहीं लिया और दूसरी यह कि परिवार के किसी सदस्य ने पैसा नहीं लिया । ये दोनों बातें ओटाविथो क्वात्रोची पर सही उतरती थी क्योंकि वह न भारतीय है और न उनके परिवार के सदस्य हैं । हमने पहले ही दिन यह मांग की कि जब हमको यह खदसा है, हमको यह संदेह है कि क्वात्रोची भारत छोड़कर चला जाएगा और हमने यह कहा कि भारत सरकार हर वह न इंतजाम करे जिससे क्वात्रोची देश छोड़कर न जा सके । हमने गिरफ्तारी की भी मांग की । हमने यह भी कहा कि अगर गिरफ्तार नहीं तो उसका पासपोर्ट जब्त करिए । और हमने यह भी कहा कि आप अपने हवाई अड्डों को कम से कम चौकसी कर दीजिए ताकि वह देश छोड़कर न जा सके । और हमने यह भी कहा कि इस मामले में सरकार की ओर से यदि कोई देर की जाएगी, कोई विलम्ब किया जाएगा, कोताही बरती जाएगी तो उसका अर्थ यह लगाया जाएगा कि सरकार स्वयं उसे भगाना चाहती है, उसे बचाने में दिलचस्पी रखती है और सत्य पर पर्दा डालना चाहती है । लेकिन मुझे हैरत और दुख इस बात का है कि इतना आगाह करने के बावजूद भी सरेआम समाचार पत्रों में मांग करने के बावजूद सरकार निष्क्रिय बनी रही और हमारी आशंका सच साबित हुई और क्वात्रोची देश छोड़कर चले गए ।

मंत्री महोदया से मेरा सीधा सवाल है कि यह निष्क्रियता सरकार ने क्यों बरती ? सरकार ने हमारी मांग पर कार्रवाई क्यों नहीं की ? आज यह कहा जा रहा है कि वह केवल छुट्टी के लिए गया है, वह देश लौट आएगा । तो मैं यहां सदन में खड़े होकर आरोप लगाना चाहती हूं क वह बाहर सबूत नष्ट करने के लिए गया है । यह लौट जरूर आएगा लेकिन यह सारे एविडेंस डैस्ट्रोय करके लौटेगा और जब आपकी जांच वहां चलेगी तो उस जांच में आपके पल्ले कुछ भी नहीं

पड़ेगा और इसका सीधा जवाबदेही भारत सरकार पर होगा । इस पर मंत्री महोदया की क्या प्रतिक्रिया है ?

THE MINISTER OF STATE UN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHAR GE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Madam Vice-Chairman, the debate has been going on for quite some days in the House —three weeks perhaps now—and I am glg,d that at last, I am having an opportunity to reply to what I have been listening to all these days. Bofors is not a new issue in either of the two Houses. Since the 16th of April, 1987, every opportunity has been sought to be used, whether in the House, outside, in the press, some times even in international forums, to paint individuals, the Government, the Congress Party and all those associated with it in one form or the other, as corrupt, as having received money, as having been guilty of one crime or the other. Madam, charges have been made, accusations from one side to the other have been levelled because the Governments have changed since 1989. Different people have come into the same places, have seen the Ales, have had access to all the documents Of the Government, and therefore, no one today can say that we have tampered with or kept away from the rest of you What is available on the record. Please don't interrupt. I am sorry, T am not yielding.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Virea Shah, she is not yielding. You cannot interrupt.

SHRIMATI MARGARET ALVA: I am only appealing because I am not a legal luminary who has mastered the facts; and unlike many other, very well qualified people like my i'liend across, I am not able to keep ihe trend going if I am interrupted all the time. I don't have this capacity to be able to take on questions and then get back to what I was saying, i am, therefore, saying if I do not answer something, you can ask me at the end and I am prepared to answer any question that you may raise. But please allow me to state the facts as they are. Madam, I have taken down the points of, whoever has spoken. I have got them and £ shall try to give the information that i have to the best of my ability. I will share it. Madam, as I said, a number of speakers who spoke and whose points I have very painstakingly taken down, are not here in the House, to listen. I am glad Mt. Mtor-arka has come because in fact, I was going ,o begin wlith Mr. Morarka though he was not the first speaker. He made it a general debate on ■ the functioning of CBI and made two or three statements which I would like to set right first before going into the details of the Bofors issue itself. He called the CBI a screw-driver organisation which is used to tighten the screws when it suits anyone. Madam, he was in the PMO for some time and perhaps he has better experience of hoW the CBI can be used or misused as a screw-driver Institution. But I would like to clarify two things. Firstly, he said that an extention was given to the former Director of the CBI. 1 want to sort this out from the general debate becanse these points WW odtside the Bofors issue. He said that Mr. Dutta, the former Director of the CBI was given[1] an extension on the last day for various reasons on a telephone call from somewhere. Some of the Members are not here. One of them, I think, was Mr. Gu-irudas Das Gupta These Members of the JPC who met the Prime Minister and me requested afer • discussion in the JPC that the Director should be allowed to contiruw until the work of the JPC was completed.

[{Shrimati Margaret Alva] It was in response to this request and the wishes of the JPC that we said that the Director would not be allowed to go and he would stay till the inquiry was over, till the work of the JPC was over. Therefore, to impute motives today, in view of so many Members haying made this request, I think, is very unfair both to the Prime Minister and tha Department of Personnel.. *(Interruptions)*

SHRI KAMAL MORARKA (Rajasthan) : But the JPC work is not still over. *(Interruptions)* .. ..

SHRIMATI MARGARET ALVA: The evidence and everything i,g over. They may be fighting about the drafting. That is a different question. That is the job of the draftsman, not of the investigating agency. Madam, the second point which he made was • • • *(Interruptions)*...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please. Let us not interrupt her. I appeal to the Members to let the Minister complete her reply. We spent three weeks on it. Please let her complete. *(Interruptions)* . .

SHRI KAMAL MORARKA: Madam, there weeks hav.$_e$ been spent on it. That is why I pointed out whether you want the Bofors issue to be alive or not. The question of no-confidence motion is oyer. *(Interuptions)* ...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No. Let her reply. *(Interruptions)* Let the Minister complete.

SHRIMATI MAGARET ALVA: You have been trying to keep it alive over and over again.

Madam, the second point which was made, which I want to answer, is about the new Director. The point was that somebody was) picked up. who ivas not in the panel, and that he v as picked up from the home State of the Prime Minister All sorts of very mischievous, if I may say ' , references were made. I want to set the record straiaiat that the senior-most member in the ser vice, in the IPS, is an office.' from Andhra Pradesh but he has only 6 months more to retire. The next in seniority is the present Direcv.-r, Mr. Rama Rao, who has been ap pointed purely on the question of his 'being the next senior-most member. We don't appoint a Director for three months or six months. It was felt that he must have a total tenure and. therfore, the number two per son, who has a ful tenure, was se lected purely on the question of se niority. *(Interrupitons)* ... If he has got somebody else... *(Interruptions)* ...

SHRI VIREN J. SHAH:*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No more interruptions. This would not go on record. I will not allow interruptions.

SHRIMAn MARGARET ALVA: All the mistakes that have been made by one of you, you please don't ask *us to* justify them. I am giving you the explanation why he vas selectd. You may imrute motives. I can't help.

Madam, the third point, which was made about the CBI, was that a certain officer I don't mention the name; he also didn't mention it a DIG in the CBI, was caught red-handed when they were in power. His question was, "What have you done about it?" He should know, Madam, as well as anybody else, that the officer was caught redhanded and he was suspended and there is a criminal case. He is being prosecu ted. He was suspended and whatever had to be done has been done. Even if he were in my place he would have done what we had done. *(Interruptions)* _____

SHRI KAMAL MORARKA: I want an assurance ... *(Intenup'* Hows)...

*Not recorded.

SHRIMATI MARGARET ALVA: It is not an assurance. I am stating the facts about what has already been done, that he has been suspended and that he has been prosecuted.

SHRI KAMAL MORARKA; A DIG of th CBI was found to be corrupt. The point which I was making was how this organisation with such a DIG could investigate corruption. *(Interruptions)...*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): One minute. (Interruptions) . .Mr. Morarka. please sit down. *(Interruptions)* ... I am not allowing. *{Interruptions)* . .. No, we don't have a running debate. *(Interruptions)* . . ,

SHRI KAMAL MORARKA: She is confirming my point. *(Interruptions)* .. .

SHRI V. NARAYANASAMY (Pondicherry) : The Minister is stating the facts. *(Interruptions)...*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Narayanasamy, please sit down *(Interruptions)* .. Mr. Narayanaawtny, please sit down. *(Interruptions)...* Mr. Narayanasamy, please sit down. *(Interruptions)* . .. Please stop this disturbing of the Minister. I am not going to allow any more disturbing of the Minister's reply. Anything said by way of interruptions will not go on record. SHRIMATI MARGARET ALVA: Madam, a number of remarks have •been made and a number of files have been quoted here and there. I am not going t° the level of quoting from the files which I have seen and which came to us from others. I don't think.. *(Interruptions)* ..

SHRI KAMAL MORARKA:*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): We cannot have a running commentary. All of you had an opportunity to speak. *(Iterruptions)* ..

SHRI KAMAL MORARKA;

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): You cannot interrupt. *(Interruptions)* ... You cannot interrupt her from sentence to sentence. *(Inter-rupuptions)* ...

SHRI V. NARAYANASAMY; * THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Narayanasamy, please sit down. *(Interruptions)...* Mr. Narayanasamy, please sit down. *(Interrupeions)* What he says will not go on record. *(Interruptions)* ... Mr. Narayanasamy, please don't interrupt. *(Interruptions)* ...

SHRI V. NARAYANASAMY:*

SHRI KAMAL MORARKA:*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please. I request the Members that I am here and if anything which should not go on record is said the Minister herself is capable of taking care of it.

SHRIMATI MARGARET ALVA: Mr. Mrarka"s remark exactly points to what their thinking is. He asked me. " Have you decide dto send him to jail or not?" I am nobody to send him t jail. *(Interruptions!)*..

SHRI KAMAL MORARKA: Will yod send him to jail or not?

SHRIMATI MARGARET ALVA: How can I send him to jail? Let the Court send him to jail. *(Interruptions)* .

SHRI V. NARAYANASAMY: Madam. Mr. Morarka knows the procedure. First it has to be decided. *(interruptions)* .

SHRIMATI MARGARET ALVA: There is no summary trial by which I can send him to jail. The due lpgal process has to be gone through.

Let the Court send him to jail. I cannot send him to jail. (Interruptions) .

*Not recorded.

SHRI KAMAL MORARKA: No, Madam...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Morarka, I will hay$_e$ to protest. You cannot carry on with a running commentary. Please let her conclude.

SHRIMATI MARGARET ALVA:We have suspended him. Courts have to come to a conclusion and send him to Jail. Madam, one question hag been repeatedly asked about who did what; what did yon do in the two years sincg you came. Some others have asked, "Waht did you do when you were there?" Some others have asked "what did you do before 1989?" And so on and so forth. *Be fore* I go into the background, of the new judgement or the even appel ant? whose names hav$_e$ been releas ed by the Swiss Federal Court. I direct ly come to the main issue on which the debate took place. Madam, on the 23rd July, 1993, the Central Bureau of Investigation received a» intimation from th$_e$ Swi?s anthori- ties that the Swiss Supreme Court had dismissed the appeals of Hin- duja Gopichand, Hinduja Prakash. Hinduja Sri Chand, Win Chadha, Quottrochhi, Jublee Finance Incor porated and Swenska Incorporated thereby confirming that legal assis tance would be granted to India. On receipt of this telegram the same day, the Swiss authorities were requested to send us copies of the judgement in the appeals. The first jndgement which was received on the 28th July is related to Swen- ska. The other judgements were received on the 2nd August, 1993. The judgement has been translated and examined I am placing before this House the Ave main points which have come out o*f* the judgement. First, the names of the seven appellants which I have mentioned. Second, the fact, that judicial assistance is granted to the Indian authorities to carry on with the investigation further Third, the examining Magistrate would examine and make available records which relate to Bofors payments in these accounts. Fourth, the parties have the right to appeal against the order Fifth, the concerned accounts would remain frozen until the process is completed. These are the five main points that have come out. Madam, I wonld like *to* go a little further. After the scrutiny of the judgements the Swiss authorities have been reminded from time to time for early handing over of the accounts. The examining Magistrate, who was on vacation, was supposed to return on the 16th Angust. We will do our best to expedite the matter further. In the meantime, we have received a letter from our lawyer, Mr. Mark Bonnant. in Switzerland. Just to put the record straight, *he* was not appointed by us. He was appointed as our advocate by the V. P. Singh Government in 1990. Lest vou should say that we have fonnd a man to suit our requirement he was a lawyer appointed by the Government of Mr. V.P. Singh, who still continues to look after the matter. He has not been change'd. He has written a detailed letter on the 22nd July in response to our request that immediate steps be taken to send us the documents. The whole letter is here. I am just mentioning two points from that. Firstly he says, "I have learnt, like you through the Press that the Federal Court has rendered its deci- sion." This is a technical translation into English. He says. "This is normal, as you know it. I am not officially party to the procedure. We have no locus *standi* in the proceedings. The lawyer ig not allowed to appea' because *It* is their Investigation. Then he goes on. I just want to put this point before the House which is in his letter. He says.. "There is ground to hope that the procedure will be more rapid now". But he goes on. "Finally I am replying to your question." This is a reply to our question of how much time it might take to get all the documents. He says, "There is nothing you can do to speed up the pro-

cedure except perhaps writing regularly to the Swiss. Federal Police Bureau. To ask for information and focus the urgency necessary towards receiving the documents asked for from Switzerland. From my side, I will take up the' matter informally with the examining judge." So, we have been approaching the lawyer as well and he has also said that we cannot go faster than what the procedures will allow.

Madam, doubt and misgivings have been expressed about the Government's handling of the concerned appellants. Since the Swiss authorities have now lifted the embargo on giving mutual aid. the CBI is working on the steps to be taken in respect of the appellants including Quottrochhi to complete the investigation of the cases at an early date. The investigation is to commence from the point where it was temporarily stopped in Switzerland in 1090. There need be no apprehension about the prompt and efficient disposal of this matter and there need foe *no* apprehension regarding our efforts to secur? the presence of persons who are alleged to have been involved. The Government remains firm in its indention to unravel the truth and punish those found guilty as per the process of law

Madam, many question? have been asked. These are the facts as they arc which I have placed before *the* House. A number of Member? hav-' repeatedly said and just now, the honourable lady Member on the other side, Shrimati Sushma Swaraj, also has mentioned that it is specifically said-she has used these words— "that the Court has upheld charges of bribe, embezzlement and corruption." Nowhere in the judgment has this verdict been given, in any -of its seven judgements which wr nave received and translated... *'Interruptions) . . .*

SHRI KAMAL MORARKA: What about their comments?

SHRIMATI MARGARET ALVA: Please stop questioning me all the time. We are in a debate... *(Interruptions) .. .*

SHRI KAMAL MORARKA: It cannot oe one-sided.. . *(Interruptions).. .* If Members from your side keep on asking, I am supposed to reply. Similarly, to everything that I have said. will you reply in the same manner as I have replied?... *(Interruptions)..*

SHRIMATI MARGARET ALVA: Have you finished? Can *I* start?

SHRI KAMAL MORARKA: Yes.

SHRI V. GOPALSAMY; Madam. will you yield for a minute?

SHRIMATI MARGARET ALVA: I have taken down what you said. poinj by point. Mr, Gopalsamy, and T will answer all that you have said. You said that the Swiss Court has upheld the charges of corruption— (hat was your sentence—and I am clearly denying it and I am saying that there has been no substantiation of corruption in the judgment. I(says that seven people appealed and what has been the reason for these appeals also, I will explain to you now. . . *(Interruptions) . . .*

SHRI V. GOPALSAMY: Madam, will you yield for a minute?... *(Interruptions) . . .*

SHRIMATI MARGARET ALVA: No. I am not yielding. . . *(Interrup-'ins) ...* I am not yielding . . . '(*Inte-ruptions)* .

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN1: Please allow her.. . *(Interruptions)...* Please allov her to speak.. . *(Interruptions) . .*

SHRI V. GOPALSAMY: Madam. on have refuted my charge. Will you clarify one thing?... *(Interruptions) . . .*

TRTMATI MARGARET ALVA: replying to the debate, not to *(Interruptions) . . .*

SHRI V. GOPALSAMY; Would you clarify one thing, Madam? ... *(Interruptions).* .. Would you clarify about the statement of the Director of Swiss Police Bureau? ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please allow her to finish... *(Interruptions)* ...

SHRI V. GOPALSAMY; Mrs. Alva, would you refute in the same manner... *(Interruptions)* ... my submission regarding the statement of the Director of the Swiss Police Burean?... *(Interruptions)* ... Would you refute that statement also?... *(Interruptions)*..

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): This is not the Question Hour. Let her finish... *(Interruptions)*...

SHRI V GOPALSAMY: I would like to know... *(Interruptions)* ...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I am not permitting that... *(Interruptions)* ...

SHRI V. GOPALSAMY: Would you refute that statement also?

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Let the Minister finish. I am not allowing anything... *(Interruptions)* ... Let the Minister finish her reply . . . *(Interruptions)* .. .

SHRI V. GOPALSAMY: Mrs. Alva, kindly enlighten us because you have refuted my charge. .. *(Interruptions)* ...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Let the Minister complete her reply. I am not allowing anything. . . (Interruptions) ...

SHRIMATI MARGARET ALVA: I am not yielding, Madam... *(Interruptions)* ...

SHRI V GOPALSAMY; What is your reply to what I have said?... *(Interruptions)* . ..

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please don't answer that, I am not allowing... *(Interruptions)* ...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I am not allowing any interruptions. Let the Minister complete.

SHRIMATI MARGARET ALVA: Madam, there was an FIR which had been filed. The FIR had certain names. Later in 1990, again a list of names of people whose accounts the Government at that time, the V. P. Singh, Government wanted frozen, was sent by hand. Within two days, a supplementary list was submitted by the same officers who drew it up, and added a whole number of names, and said, "we want all these accounts also frozen". The names which were added later which were not in the original FIR, which were not in the first letter submitted, they came later. Now these people who were affected by this freezing of accounts had appealed to the Court. The question that they raided was; Why are we being subjected to this? There were appeals both in tne Cantonal Court and then later in the Federal Court. Now the latest position is that these people had appealed, saying "our accounts should not be frozen, and our accounts which are secret and personal, should not be disclosed." As far as th~ present judgment is concerned, the Swiss have said, "we are not withholding the assistance to India. If there are among these seven, any documents connected with any payments made by AB Bofprs into these accounts, the papers will be looked at by. the Investigating Magistrate and will be handed over to the Indian authorities once the process of looking at them is completed." That is all the judgment says. And we have the names. And when the Magistrate comes back on the 18th. the process Is supposed to be-

gin, and the process, I assure you, Madam, will "be completed as early as possible so that the documents can be brought back and those documents will be examined. Whatever proof that we find of any payments made from the Bofors Company during that period, we assure you that necessary action will be taken.

Many Members have asked: Why 4id you not arres to and so? Why did you not do s and why did you not do that? Let me point out to the Members that earlier, Madam, during the other Government's time, a judgement had also come from the Cantonal Court in which the appellants the Hindujas and their company—was kn-rwn to the Government. At that time, no one was arrested. No action was taken. It was said in the same way at that time that "there is no proof beyond that they were appellants, and no action is called for." We are saying today, let the documents come. It might take a month or two weeks. Maybe a month or two, I cannot say how much time. But the moment we get the documents, whatever legal action has to be taken will be taken and will be acted upon.

Madam, there were a few other questions raised. Mr. Jethmalani is not here. He raised a specific question which again has just now been raided by the hon. Member, Mr. Swell, about Form-A. While quoting a certain report which has come out in the 'Frontline", he said that the CBI should make a request to the Swiss authorities to send Form-A also along with other bank documents. I would like to tell him that we are also as well informed as he is, and this request has been communicated to the Swiss authorities the very day this indgment had come. We have asked the Swiss authorities to send us Form-A even in our first letter roga tory which was sent to the Swiss authorities, we have said that we want the details in Form-A. The Swiss authorities have been contacted again and they have confirmed that Form-A will also be sent to the CBI along with the bank accounts. So, please do not have any fears about that. Madam, Mr. J. P. Mathur had raised a question: Why are these enquiries not done by our agencies directly on our own? Madam, thi$_s$ is not like walking into a Magistrate's Court in Parliament Street and filling something and getting what you want. There are procedures to be followed. We have no locus *standi* in the local court there. Even our lawyer is not allowed to appear. It is a process in which we have to keep applying the necessry pressure to pee that the process is completed early. It is not that any law that is applicable here can be made applicable there. I don't think I need say anything more 4 p.m. on this. I can assure Mr. Marhttr that we are as concerned as he i$_s$ to get to the truth.

The othert issue which has been raised is by Mr. Upendra. He is not here. He raised a number of issues and the first one was that an authorised representative of the C.B.I. should go immediately and collect the documents. I can assure you that when the documents are" ready, *we* will certainly see that we are thereto receive them. Again he spoke about the charge of corruption having been proved, about which I just told you—in fact I have the translation and the original which we have received and it does not say this in the document.

SHRI V. GOPALSAMY: Inference is the same.

SHRIMATI MARGARET ALVA: Yoit can infer anything. You can infer I am corrupt or somebody else is corrupt. I cannot say anything.

SHRI V. GOPALSAMY; I will not infer that you are corrupt. You are an honest woman, I know.

SHRIMATI MARGARET ALVA: Thank you very much.

SHRI VIREN J. SHAH (Maharashtra) : These interruptions should be recorded. What Mr. Gopalsamy said just now about the hon. Minister should be recorded.

SHRIMATI MARGARET ALVA: Mr. Sen repeatedly asked: 'What did your Government do in the last two years?' He literally suggested that since we came to power, in the last two years, nothing has happened. And he said that we are trying to just whitewash everything. I would like to tell Mr. Sen that if the present judgement has come, it is because of the pressure which the C.B.I. has kept up oyer the last one year. They appealed against the judgement of the Cantonal Court and followed it up through our own sources in the Federal Court... *(Interruptions)*. Yes, through anybody We could. And that is why Mr. Solanki had to resign. You would never have done this.

SHRI SUKOMAL SEN (West Bengal) : A note through Mr. Solanki is the only achievement. You sent a note through Mr. Solanki.

SHRIMATI MARGARET ALVA: All the judgements have come be-because of your long last Mend who is now trying to retire from politics after all this?

SHRI V. NARAYANASAMY: It was returned 'oy Mr. V. P. Singh; don't forget that. ... *(Interruptions)*.

SHRI V. GOPALSAMY: Madam,...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): You started it, Mr. Gopalsamy.

SHRIMATI MARGARET ALVA: 1 would just like to put the record straight since almost every *MexahSS* asked this auestion and I would like you to permit me to say what we have done in these two "years. You may like to hear it or not but let rne put the record straight. When this Government took over in 1991, the proceedings in the Cantonal Court in Geneva on the letters rogatory sent by the C.B.I, had been suspended. In India, various appeals and peti tions were pending in the court stall ing the investigation in the Bofors case. The C.B.I, went to the Sup reme Court against these, petitions and also kept in touch with the Swiss authorities to revive the assistance to India in this investigation. The Delhi High Court quashed the F.I.R. and the proceedings thereunder on 2.9.92. The C.B.I, moved the Sup reme Court and within two days got this order stayed and filed a S.L.P. against this order. Simultaneously, message was sent to Switzerland re questing them not to reject our Let ters Rogatory. It wag due to these efforts of the C.B.I, that the S.L.P. was decided by the Supreme Court on 17-12-92, quashing the order of th$_e$ Delhi High Court and upholding the validity of the F.I.R. itt the letter Rogatory. Immediately thereafter, the Swiss authorities were requested to lift the suspension of the proceed ings and to hand over the bank documents to the C.B.I. The Cantonal Court in Geneva rejected the appeals of certain parties on 29.1.93 and decided to provide assistance to the C.B.I. Again on 20-7-93, the Federal Court of Switzerland rejected the second appeal and decided to grant assistance to the C.B.I. Therefore I would like to tell my friends that rejection of the appeals was because of the follow-up which has taken place since we came. And yet Mr. Morarka said: 'If you wanted, you could have closed all these mat ters.' We are not interested in clos ing the matter;?, not because as you said we are trying to play politics within the party, but because we are committed to *he promise that Shri Rajiv Gandhi made to Parliament and to the nation that the truth would be found out, pnd that if you .....

SHRI SUKOMAL SEN- Mockery.

SHRIMATI MARGARET ALVA: You can call it mockery but don't say 'mockery' of Rajiv Gandhi's promise

in this House. I am sorry... *(Interruptions)*
.

SHRI V. NARAYANASAMY- In spite of the Minister's promise, he is not satisfied. This is the attitude of the C.P.I. (M) Member. *(Inter-ruptont)*

SHRIMATI MARGARET ALVA; We are saying that we are committed to what late Shri Rajiv Gandhi said in the Honse. I would like to repeat it once again. He had promised that if there was involvement of any middlemen or pay-offs, bribes, commissions, action would be taken in the matter and that howsoever highly placed a person might be, he would be made to pay the penalty for it.

Therefore, we have sought to get at the truth. We have nothing to hide. In fact, your suggestion that we should close it, that we should not proceed further, is not relevant. We want to know and we want the nation to know what the truth is because for too long has this malig ning of Rajiv Gandhi and his family gone on; or too long this kind of propaganda has gone on in this country. Madam, they won an election on falsehood and by misleading the nation—saying that they have got the account numbers on their watches and in their pockets which they would release.

I would like to say that truth will prevail. The truth has to come out We have nothing to hide. When the truth comes out, these of you who have been maligning Rajiv Gandhi during his life time and are not ashamed of doing it even after he is dead, would be expose and you would have to hang our heads in shame for what you have done so far. Madam, this remind me of the story....

SHRI V. GOPALSAMY: Why Quattrocchi was allowed to leave the country? *(Interruptions)*

SHRIMATI MAGARET ALVA: We are talking about facts. Please listen.

SHRI V. GOPALSAMY: Why did you allow Quattrocchi to flee the country?

SHRIMATI MARGARET ALVA; I would like to point out that this is like the story of the lamb and the wolf. First, you say 'it is you'. Then, if it is not you, it is your family'. 'If it is not your family, it is your friend'. 'If it is not your friend, it is your party. 'If it is not your party, it is your advisors or somebody.' This goes on. They have tried to fix blame in this manner.

Now, I come to the question of Quattrocchi. Quattrocchi is not [a] member of our party. He is no member of this Government. He may be a businessman who is running a business and who may fee buying and selling things. We are not concerned. I am not here to defend anybody who must be dealt with under the law. I am only saying that we are not going to apply one set of principles to the Hindujas and...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARA JAN): Mrs. Alva, the Leader of the Opposition wants to say something.

THE LEADER OF THE OPPOSITION (SHRI SIKANDER BAKHT): Madam, I was trying to obtain her permission before standing. You said that you want to get at the truth. Now$_{v}$ what about the Swiss Audit Bureau Report? You have not said anything about it. This is one thing.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARA JAN): She has not finished yet.

SHRI SIKANDER BAKHT: She was speaking about getting at the truth. Mr. Mathur said about it. Thi$_{s}$ is one of the points. Secondly, how long is this 'as soon as possible?

SHRIMATI MARGARET ALVA: That depends on when these documents are released to us by the Swiss

[Shrimati Margaret Alva] Court. I do not have any authority over that. Now, if you want rne to go back to 1987 and talk about the report of the Audit Bureau, of what happened from 1987, you give me an hour and I will give the details. I have got the whole history sheet here, date by date, of what happened between 1987 and 1989, wat happened in 1990... *(Interruptions)*

I have the complete details if you want to raise another debate or whatever *(Interruptions)*

Then, Madam, there are two other Joints which have been raised and which I must clarify. Th equestion as raised as to when would the iocuments be available. I have answered that question.

The other question that we raised by you, Madam, and by some other Members was about the famous Ard-bo diary. What is it? What is meant by 'Q', 'R', or, something else? I do not know. I cannot explain what each one of these represents. I do not know. Perhaps, you may be able to say which is what. But I would like to say that this Ardbo diary has not been made available to us Nobody has seen the diary. Somebody is reporting from somewhere that this is written or that is written. I would like t° put the record straight that excerpts of this diary were published in the press sometime in 1989. Photocopy of the purported diary, of the original, was collected by the C.B.I., during its investigation, from Mr. N. Ram, Assistant Editor of the 'Hindu' That was the source from where the photocopy was made available. The Swedish authorities had also been requested by us through the Letters Rogatory for supplying the Arbdo diary and the documents. However, the Swedish authorities have not acceded to our request and have said that this cannot be given. I ao not know how others are getting it because they have blankly refused to give the confidential diary of Ardbo even officially when we requested them.

SHRI V. GOPALSAMY: But Mr. Ardbo did not deny it.

SHRIMATI MARGARET ALVA: I do not know. He is not given us a copy. I cannot quota documents which have not been given to us.

Now, a lot was said and a lot of shouting took place over Hindujas. O'i course, Mr. Jethmalani is not here at the moment, but I would certainly iike to explain this point which has been repeatedly raised. In the FIR of the Bofors case, G.P. Hinduja has been named a_s an accused amongst otners. The request that was sent by the CBI 'for freezing of certain bank accounts also mentions, among others, the names of Sarvashri G.P. Hinduja, S.P. Hinduja and Prakash Hinduja. Soon after the registration of the case, a look-out notice was issued to all airports and immigration authorities against G. P. Hinduja.

Vide order dated 3-7-1990—I repeat 3-7-1990—the Cantonal Court referred back to the CBI the letters Rogatory for certain clarifications and in the aforesaid letter, the names of Shri S. P. Hinduja and Mls. Jubilsee Finance Inc. find mention as appellants oefore the Cantonal Court, Geneva. These names came in 1990. The preliminary examination of two Hinduja brothers G. P. Hinduja and S. P. Hinduja,, was done by two Joint Director's of the CBI—I do not want to mention names, very famous names— in January, 1991 in London. They were not brought back, not that they were not asked to come. They did not come when they were asked to come. The examination took place in London and both of them admitted that M/s. Jubilee Finance Inc. belonged to them. After their examination, the 'Lock-out notice' against them was deleted in February 1991, long bafore we came anywhere into the picture.

Tiie Swiss authorities have now communicated to the CBI that the Hindujas and Mjs. Jubilee Finance Inc. were four of the seven appellants before the Swiss courts. Further action in the matter will be taken on receipt of the bank documents .

SHRI V. GOPALSAMY; You have correctly explained about Hinduja, but I would like to know whether CBI tool: steps to find out whether Sevsnska funds have been fioted into the account of Quattrocchi.

SHRIi.IATI MARGARET ALVA: We will find out everything, where the funds came from, who got them, who used them and who hid them. We will tell you everything. The other point raised is that of Mr. Quattrocchi. Why we did not stop him, why we did not arrest him, and all that. I would like to clarify this point.

[THE VICE-CHAIRMAN (SHRI V." NARAYANASAMY) in the *Chair].*

The name of Mr. Quattrocchi does not figure in the FIR as an accused. Also in the investigation conducted so far no material evidence has come to our notice which may implicate him directly. However in the communication now received from Swiss authorities after the judgement was pronounced on 20.7.1993 in the Swiss Federal Court, it has been mentioned that Mr. Quattrocchi is one of the 7 appellants before the Swiss courts. It can be assumed that he has a locus standi in the accounts frozen by the Swiss authorities. His exact role will be known only on receipt of the bank documents and other relevant papers from Switzerland, like in the case of the other persons. The CBI has already requested the Swiss authorities to give us all the relevant documents. We do not have an extradition treaty with Italy, (Interruptions). I can say only one thing. *(Interruptions).*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You haye already put the question. Now you hear the Minister. *(Interruptions)*

SHRI V. GOPALSAMY; You could have stopped him.

THE VICE-CHAIRMAN (SHRI NARAYANASAMY): Let the Mil ister answer. *(Interruptions).*

She is answering that. *(Interruptions)* .

SHRIMATI MARGARET ALVA: Sir, there are seven appellants. Most of them are abroad. Mr. Win Chadha is ai.road, five or six of them are abroad. It doesn't mean that the investigation can close because somebody is here or there. We have cart-cell'd Mr. Win Chadha's passport, we have asked for him to be repatriated. We know that everybody who is required in this investigation will be available when called. I assure the House that we wll do everything

SHRI V. GOPALSAMY: Your Go-vernf-nt allowed Win Chadha to run away. ... *(Interruptions)* .

SHRIMATI MARGARET ALVA: There are no charges no FIR has even mentioned him, and there is no reason why one person should be separated from the others and treated differently. All the seven will be treated equally when the documents are given to us. We will examine everything.

Sir, there is one more question which I think is common to almost all of them. Somebody mentioned it. I do not know how this impression wsnt round that the Judgement has said something about the press. There has been no reference to the pre-s as such, *but* what has been mentioned was that the CBI had wri-ten to the authorities there that we are getting information first from the press and then officially and that it wouM not be wroper not to keep us

[Shrimati Margaret Alva]

informed of developments and we should have to read them in ths newspapers rather than get an official communication when decisions are taken or when some information is known. Therefore I would like to just point out here that no aspersion as such hag been cast by the CBI or by the Swiss authorities, concerning the leakage of information to the press. However, it has been noticed that information concerning developments in the Bofors case have reaoa-ed newspapers earlier than us. A polite letter was written by the CBI to the Federal Department of Justice and Police, requesting them to ensure that no leekage takes place before we get the information ourselves. It was also pointed out that any newspper publication concerning these documents is bound to alert the beneficiaries ahead of time and{ result in disappearance of corrborative evidence. Ihe Indian Embassy in Berne has also been asked to follow up the matter with the Department of Justice and Police, with a view to ensuring that the Embassy is the first recipient of such information. This is the clarification as far as the press is concerned.

Sir, I am not going into details of what was done by which Government. I can only say that all of us— when on that side or this, are anxious to get to the truth. I think it is time these clouds are removed and the nation once and for all knows that those who have been, if I may say so, accusing various people of various things, have not been quite right. I would therefore request the House to help us and to join us in this commitment which we have made to get to the truth, to expose those Who have taken bribes and to clean up, I would say, this atmosphere of rumour mongering which has gone on, pointing out fingers at whoever it may be. I would therefore ask the House to make sure that the proper legal processes are allowed to be completed and not to all the time, doubt the bona fides of the Government or of the CBI.

Sir, I don't hold a brief for any official in the CBI. It is an investigating agency. It is made up of human beings. Mr. Morarka says somebody is corrupt. Yes, in every 100 people there might be one or two black sheep. This can happen in anything. Among the best, even among the so-called saints, there will be somebody here or there who goes wrong sometimes. It is not proper to demoralize the entire organization. They are working under very great pressure. They have done their best. They work under this Government or that Government. They have to follow procedures and they have to do what is possible for them at a given time. I would, therefore, request you to realise that this is a human organisation. If you want to destroy it, then, you can demoralise them; but, if you now and then give them a word of praise and appreciate what has been done, I think, it would go a long way in building the morale of the organisation and making them work better.

Thank you, Sir.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Only one question by Mr. Kamal Morarka.

SHRIMATI SUSHMA SWARAJ: One question.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Madam, already the discussion is over.

SHRIMATI SUSHMA SWARAJ: Just one question.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You have already put the question. The Minister has replied to it.

SHRIMATI SUSHMA SWARAJ: Just one minute.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I am going to close it.

SHRIMATI SUSHMA SWARAJ: Just one minute. उनके जवाब पर

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); No, no. The discussion is over. I am sorry.

SHRIMATI JAYANTHI NATA-RAJAN (Tamil Nadu): Then allow me also.

श्रीमती सुषमा स्वराज : सर, मेरा एक ही सवाल था, उसका जवाब उल्टा आया। मुझे सिर्फ इतना ही... **(व्यवधान)**

श्रीमती सुषमा स्वराज : हां, आपको भी अलाऊ करेंगे, जरूर करेंगे, मैं सिफारिश करूंगी ।

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Madam, kindly take your seat.

श्रीमती सुषमा स्वराज : मंत्री जी, आपने स्विस कोर्ट के जजमेंट का हवाला देते हुए यह कहा कि उसमें करप्शन-करप्शन का कोई मतलब नहीं, बड़ा सीधा-सादा फैसला है कि हम कुछ नाम उजागर कर देंगे और उसकी सूची भारत को भेज देंगे । मैं आपसे जानना चाहती हूं कि क्या आपको मालूम है कि स्विटजरलैंड में ऐसे केसिस में नाम कब उजागर किए जाते हैं ? स्विटजरलैंड की सारी इकॉनमी केवल बैंकिंग पर चल रही है और वहां आज भी टैक्स इवेजन और फेरा वॉयलेशन जैसे केसिस में नाम उजागर करने की प्रथा नहीं है । केवल जब पैसा ड्रग ट्रैफिकिंग के कारण कमाया जाए या रिश्वत का पैसा अगर बैंक में रखा जाए, केवल तब नाम उजागर करने की बात होती है । इस केस को बाकायदा भ्रष्टाचार का मामला माना गया है और तब नाम उजागर करने की बात आई है । आप सहजता से इस पर लीपा-पोती करने की बात करें तो हमें कोई संतुष्टि नहीं होगी ।

SHRIMATI JAYANTHI NATA-RAJAN: Sir, ...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Madam, one minute. Mr. Kamal Morarka, only one point.

SHRI SATYA PRAKASH MALA-VIYA (Uttar Pradesh): One point ox-one question?

SHRI KAMAL MORARKA; Sir, my question is very limited.

Madam Minister dealt at length with the Bofors things. There *were* differences of tenor among various speeches. As you might have observed, I did not go into the details of the Bofors issue. I have full confidence in the CBI.

My point yesterday was that the CBI has been demoralised by the Government. . .. *(Interruptions)* .. .

Madam, just one minute. The senior posts in the CBI are still vacant. There are no Special Directors. There are no Additional Directors. Whom do you choose for appointment? ... *(Interruptions)*

Let me finish.

SHRIMATI MARGARET ALVA: There are no posts of Special Directors.

SHRI KAMAL MORARKA: Okay, Additional Directors. Whom you choose is the prerogative of the Gov ernment. I have never questioned this. You have very kindly confirm ed whatever I have said. You have given the reasons for it. Every Government has reasons.

My only limited point which I made yesterday, to which you have not replied is this. Why are individuals being singled out for treatment? I will give you an example. Harshad Mehta ha$_s$ been singled out for treatment compared to others. It so happened that Harshad Mehta...

SHRIMATI MARGARET ALVA: This has nothing to do with the debate on the Bofors issue... *(Interruptions)*

SHRI KAMAL MORARKA: One minute.

J

SHRIMATI MARGARET ALVA; Mr. Morarka wants is a discussion on the CBI. Let him give notice... *(Interruptions).*

SHRI KAMAL MORARKA: One Minute.

SHRIMATI MARGARET ALVA: 1 am not going to reply now to everything connected with the CBI, I am sorry.

SHRI KAMAL MORARKA; Mr. Krisnnamurthy and Mr. Chddjamba-ram who are connected with the Rajiv Gandhi Foundation, are being singled out for that treatment.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Morarka, you have to raise issues connected with the Bofors case. You cannot go into other cases... *(Interruptions)*

SHRI KAMAL MORARKA: After all, the Foundation has returned the money to him after the scam. Everybody else who is elsewhere is all right, but people connected with the Rajiv Gandhi Foundation are being singled out for treatment. I want to know the reasons for this..

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You are making irrelevant points.

SHRIMATI JAYANTHI NATARA-JAN: Mr. Vice-Chairman, I Just wanted to ask this of the hon. Minister. Earlier she said that in the original FIR some names were there and that later on some other names were added to them. I just wanted the Minister kindly to clarify, during the period of which Government this happened. Is it a fact that the names of Amitabh Bachchan and Ajita'oh Bachchan were in the additional names that were supplied by the then Government? Was there any judgement in a British court which decided a case of defamation filed by Amitabh Bachchan relating td this matter?

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Any reply. Madam?

SHRI G. G. SWELL: You have asivt'd me, Sir.

AN HON. MEMBER; This has become a question-answer session again.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I cannot reopen the matter once again.

SHRI G. G. SWELL: Just two sentences. In my speech I quoted the Director of Federal Ju uce and Police Ministry. It is *on* record. I quoted:

> "We have decided to release the names since the Federal Court has upheld the letter rogatory and the charges of corruption in it."

Does she dispute the statement? Does she say that tne officer has spoken through his hat? Does she say that he is prejudiced or partisan in making the statement?

SHRIMATI MARGARET ALVA: Sir, I have got with me the official document which has been translated, whuh is here, and which we have seen, j, am not going into what any Police Commissioner or anybody has said. *(Interruptions)* One minute. . have brought before you the judge inent of the Federal Court, which is the Supreme Court Of Switzerland. Several judgements which have been given to us, which have been translated are with us. Sir, I must also point out here for instance, that there are certain conditions which are being put into this. One of them is: The restriction does not. apply—there are restrictions—to offences that are qualified under tax frauds under Swiss law. Again any further use of these documents and the information contained therein is subject to explicit and previous authorisation of the Federal Office for Police Matters. Eyen using those documents • • • (In-*t&rruptions)*

SHRI G. G. SWELL; She must know that Director of Police is a spokesman of the Federal Court. *(Interruptions),*

THE VICE-CHAIRMAN (SHRI NARAYANASAMY): The hon. -iimister is replying.

SHRIMATI MARGARET ALVA. 1 am saying that I am only going by the conditions laid down in the judgement of the Federal Courc. 'iney have made various conditions under which those documents, which are being handed over, can ue used, and for what purposes. We have got these things here which I have not gone into in detail. The distinction bet--ween violations of monetary and fiscal regulations and ordinary criminal offences shall be made according to the Swiss law. According to their law only have we to proceed. *{Interruptions)* That is what I am saying. Once the documents come and we see whaj are the pre-conditions they havs laid down, that has got to be discussed. I cannot respond to everything now.

SHRI VIREN J. SHAH; I would like to know whether you have received any documents in the last two years and what you have done with those documents.

SHRIMATI MARGARET ALVA: The other point that was raised by my hon. colleague, Smt. Jayanthi Natarajan is about ... *{Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Viren Shah, you hav$_e$ not sought my permission. You cannot get up and say like that, *i* em not allowing you to say. *{Interruptions)* I am sorry. I 5am not allowing you.

SHRIMATI MARGARET ALVA, The question that has been raised is about the two letters. About the original FIR, afer that on the 23rd of January, a letter was handed over by Mr. Madhavan to them in Switzerland in which certain names ware given. Two days later the same team ,vhich was there, all three people, on he 36th of January, 1990, produced *i* second letter in Geneva itself. It lad been signed by Mr. M.adhavan ind handed over. In it a tupptanen-tary list was added, in which there are ali these other names included, They inculde Amitabh Bachchan, Ajitaoh j_achchan, Quattrocchi, La-fond, J&iie/, Maishi, Mr. Martin Ard-bo. And then it goes on ... *{Inter-rupuoiux)* "or any company of these pers *as* which has relevance to the payments, any other accounts" ... *{Interruptions)* Let me just read this paragraph. "Any other amount in any bank in Geneva, which is inter-linked with any of the accounts already mentioned tin the original requisition given to you on 24th January, any other bank account in Geneva in which payment has been received on or after 1st November,, 1985 fromBofors in Switzerland." So, it was a kind of a wide thing. Any account connected with any of their companies, any of them, anywhere must be frozen and must be investigated *{Inter-ruptions)* Sir, it was a whole wide range which was given, out of which they have been looking at, Hindujas, Quattrocchi, Chadha etc. how appealed. Yes, Ajitabh Bachchan, as you said, went to court and they had to apologies. They said that they were mislead by the Indian officials. They believed it and published it. With apology, Sir. they have withdrawn. (Interruptions).

SHRI V. GOPALSAMY: That was a different case in a British Court.

SHRI JAGDISH PRASAD (Uttar Pradesh): Had the Government come to know the contents of the letter?

THE VICE-CHAIRMAN (SHRI "V, NARAYANASAMY): I am not allowing any more question on this now.

SHRI CHIMANBHAI MEHTA (Gujarat).: The question raised by Mr. Swell about the upholding of the charges of corruption by the Federal Court... *(Interruptions)*

SHRIMATI MARGARET ALVA-... It is not in the judgement any where

SHRI JAGDISH PRASAD MA THER; Had the Government *com** to know...

THE VICE-CHAIRMAN SHRI V. NARAYANASAMY;: I am not permitting you, Mr, Mathur.

Now, the discussion on Bofors is over. We will take up the next subject the Parliament (Prevention of Disqualification) Amendment Bill, 1993. The hon. Minister, Shri Bhsr-dwaj has written a letter to the hon. Chairman saying that ne has to appear before the Joint Committee on the Constitution (Eightieth) Amendment Bill, 1993, at 4.30 p.m. There lore, he sought permission from the hon. Chairman that this Bill might be taken up tomorrow, that is, the 18th August. The permission was granted by the hon. Chairman.

We will now take up the next Bill, the Recovery of Debts due to Blanks and Financial Institutions Bill, 1993, and the Statutory Resolution mov;d by Dr. J.K. Jain and others. Now Dr. Jain.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh); Thank you, Mr. Victe-Chairman. Before I move nay Statutory Resolution, please allow me to raise a point of order.

. THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); There is no point of order before the issue is raised.

DR. JINENDRA KUMAR JAIN: Sir I would request you to kindly have the Constitution in your hand and see Part XVI of the Constitution.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); We have not started the discussion on the subject. *(Interruption).* Kindly take your seat, Dr. Jain. Only when the discussion starts on the subject, any point of order can be raised. Therefore, you cannot raise any constitutional question now. First of all, you move the resolution.

DR. JINENDRA KUMAR JAIN; This is the first time this House has 'the opportunity to see whether such a matter can be discussed in this House. My contention is that Parliament does not have the competence to legislate on a matter which under the Constitution is not given to it. I request you to kindly open the Constitution. I will prove it to you.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); The constitutional provision can be taken care of by the Court. I cannot give judgment as the Court. I am sorry.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh); The Ordi-f nance itself was unconstitutional; it was against the Constitution. That is his contention.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); Mr. Mathur, you are a senior Member of this House. *(Interruptions)* . Dr. Jain, kindly take your seat. Any point of impropriety or a constitutional point cannot be raised or even decided in this House. The forum is only the Court. It is well settled and several rulings have been given by the Chair. I will not entertain any constitutional question here. You can move the resolution.

DR. JINENDRA KUMAR JAIN; I am not raising any constitutional issue. I am raising the issue of legislative competence. Kindly listen to me. *(Interruptions).*

SHRI G. G. SWELL; He is questioning the legislative competence of. the House. *(Interruptions)* .

SHRIMATI JAYANTHI NATA-RAJAN; (Tamil Nadu); The Chairman has considered all these things. *(Interruptions})* .

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY)- You kindly move the resolution. Otherwise, I will call the other Members. *(Interruptions}*.

SHRIMATI JAYANTHI NATA-RAJAN; He cannot raise it now.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY). I cannot decide constitutional points.

SHRIMATI JAYANTHI NATARA JAN; The Chairman has asked it to be listed. Now, if you raise any question about it, you are questioning the decision of the Cnairman. (Interruptions).

DR. JINENDRA KUMAR JAIN; J. want business which this legislature is competent to do to be done. Unless you here m$_e$ first, how will you decide what I am saying is right or wrong. Sir? I am raising $_a$ point of order.

THE VICE-CHAIRMAN (SHRI, V. NARAYANASAMY; You ar$_e$ asking me to decide a point which you are raising on constitutional pro visions.

DR. JINENDRA KUMAR JAIN; Give me a hearing. I request you.

THE VICE-CHAIRMAN (SHRI, V. NARAYANASAMY); Yes. You can proceed.

DR. JINENDRA KUMAR JAIN: If you see part XIV (A) of the Consuu-tion,, there are two articles 323(A) and'323(B). Sir, this part XIV(A) of the Constitution deals with the powers of Parliament to set-up Tribunals and was inssrted into the Constitution by the 42nd Amendment Act, 1976. Till 1976, there was no provision in our Constitution to set up tribunals other than courts—the courts of civil procedure and criminal procedure. But in 1976, a case was taken up that there is a long delay in courts, and, therefore, there ″ is a need to setup tribunals and as a results a Constitutional amendment was carried out and two specific articles were added to the Constitution. Article 323(A) deals with the task of setting-up Administrative Tribunals whereas article 323(B) deals with Tribunals for other purposes (Interruptions!).

SHRIMATI JAYANTHI NATA-RAJAN; Please protect us.

DR. JINENDRA KUMAR JAIN; How can she interrupt me like this in an absolute lawless manner?

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); Dr. Jain, you have to conclude now. I got your point.

DR. JINENDRA KUMAR JAIN; I have not even raised *my* point of order. How can you say this, Sir? I am seeking your protection. *Untenuptionsi).*

SHRIMATI JAYANTHI NATA-RAJAN; Sir, I am seeking your protection. Sir, what is this? Since the Chairman has allowed, it is listed. You cannot decide the constitutional aspect, *{Interruptions).*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); Madam, I will deal with Dr. Jain. You kindly sit down. *(.Interruptions)* .

DR. JINENDRA KUMAR JAIN:Sir, try to appreciate what I am say ing. I am reading the Constitution in support of my Contention. I am not raising a constitutional point. I am raising a point of order relating to the competence of Parlia ment, What I am trying to say is that article 323(A) gives power to Parliament only to set up Tribunals for administrative purposes and article 323(B) gives a specific power on what other subjects the Tribunals can be constituted. Sir, I am sure, you are awar$_e$ of this thing. I would like the hon. Minister to tell me whether it is mentioned under article 323(B) that the recovery of debts of banks forms part of the power of Parliament to set up Tribunals. If you, want to do this I have no objection to that. But for Constitutional pro priety you have to pass a Constitu tional Amendment Bill before coming with a legislation like this. Sir, this haste on the part of the Governmentwould amount to transgressing con- titutional propriety. This is my con tention. I made this submission for your consideration and I will abide by your ruling.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I think you have finished now.

DR. JINENDRA KUMAR JAIN: Only my point of order.

श्रीमती सुषमा स्वराज : मैडम का जवाब मैं देना चाहूंगी । सॉ सेज, लेजिस्लेटिव कम्पीटेंस का सवाल यहां नहीं उठाया जा सकता क्योंकि चेयरमैन इज दी प्रोपर अथॉरिटी ।

The Chairman is the proper authority. This is what you said. *{Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Madam, kindly take your seat. I followed what he said. There is no problem about it. Now, Dr. Jain hag raised the point of constitutional propriety as to how this Bill is being brought m tha House and the authority of the Government in constituting the Tribunals. I went through the provisions in this regard. It comes under the Subordinate Courts—Chapter VI. Article 223 is about the appointment of District Judges and so on and so forth. Article 333(a) and article 333 (to) have also been read by me. My ruling is this. My ruling, as far as the constitutional part is concerned, is that this House cannot decide about the propriety or otherwise of the constitutional provision. Therefore, I am ruling out your point of order. *(Interruptions)...* J would like to say that the point which you would like to raise about the constitutional provision, you can raise before the court, not in this House. Now you can move your Resolution. *(Interruptions)...* If you are not moving your Resolution I am going to call the other man.

SHRI JAGDISH PRASAD MATHUR: Under what provision of the Constitution is he bringing this Bill? Let Wm reply. (Interruptions)... Under what provision of the Constitution is he bringing this Bill? *(Interruptions)...*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); Madam, while replying he will reply to your point. Dr. Jain, you can move your Resolution. *{Interruptions)...* Dr. Jain, now you can move your Resolution.

(i) STATUTORY ... RESOLUTION SEEKING DISAPPROVAL OF THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITU TIONS ORDINANCE, 1993.

(ii) THE RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS BILL, 1993.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Sir, I beg to move the following Resolution:—

> "That this House disapproves of lie Recovery of debts due to Banks and Financial Institutions Ordinance, 1993 (No. 25 of 1993) promulgated by the President on the 24th June, 1993."

Sir, I have a very valid reason for moving my motion of disapproval. This is the 25th Ordinance of this year, 1993. The Government is getting into a very bad habit of by-passing the Parliament and issuing Ordinances for every thing which it thinks should be done and this is bad. I have said it earlier also and I would like to reiterate this that the Government should respect the authority of the Parliament and it should not get addicted to a bad habit of legislating through Ordinances. In this case, while promulgating th^ Ordinance, I am sorry, to say, the Government has not done its homework properly. I respect the ruling given by the hon. Vice-Chairman. But the facts which I have stated are clear. That the officials of the Ministry and the team of Ministers of the Finance Ministry have not done their homework is obvious. When the specific powers are not mentioned under the head 'setting up of tribunals', how can it promulgate an Ordinance to set up tribunals? I think, it is an action which is ultra *vires* the Indian